

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on February 6, 2009 at 9:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None.

Members Absent: Sen. Larry Jent (D)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 311, SB 340, SB 341, 1/29/2009

Executive Action: SB 311-Do Pass, SB 341-Do Pass, SB 340-Do Pass, SB 281-Do Pass As Amended

HEARING ON SB 311

Opening Statement by Sponsor:

00:01:55 Sen. Steven Gallus (D), SD 37, opened the hearing on SB 311, Revise marriage licensure laws.

Proponents' Testimony:

00:04:25 Lori Maloney, Clerk of Court-Silverbow County; Clerk of Courts Legislative Committee

00:06:52 Mary Phippen, Montana Association of Clerks of District Court

[EXHIBIT\(jus28a01\)](#)

Opponents' Testimony:

none

Informational Testimony:

none

Questions from Committee Members and Responses:

00:08:00 Sen. Perry

00:08:08 Sen. Gallus

Closing by Sponsor:

00:08:41 Sen. Gallus

HEARING ON SB 341

Opening Statement by Sponsor:

00:09:08 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 341, Revise costs of criminal proceedings.

Proponents' Testimony:

00:12:13 Fred Van Valkenburg, Missoula County Attorney

00:17:33 Jim Smith, Montana County Attorneys Association (MCAA)

00:18:10 Sue Wilkins, Executive Director, Missoula Correctional
Services, Inc.
00:20:59 Pat Keim, Alternatives, Inc.
00:21:31 Linda Stoll, Missoula County Commission

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:22:23 Sen. Shockley
00:23:02 Mr. Van Valkenburg
00:24:13 Sen. McGee
00:24:31 Mr. Van Valkenburg
00:27:44 Sen. Juneau
00:28:20 Mr. Van Valkenburg
00:38:19 Sen. Larsen
00:39:08 Mr. Van Valkenburg
00:39:39 Sen. Shockley
00:40:04 Mr. Van Valkenburg
00:41:30 Sen. Murphy
00:42:30 Sen. Laslovich
00:43:45 Sen. Murphy
00:43:57 Mr. Van Valkenburg
00:46:37 Sen. Shockley
00:46:43 Mr. Van Valkenburg
00:47:17 Ms. Wilkins
00:49:07 Sen. Esp
00:50:03 Sen. Laslovich
00:50:16 Sen. Perry
00:50:39 Sen. Laslovich

Closing by Sponsor:

00:51:56 Sen. Laslovich

00:54:01 Sen. Perry introduced the class from Rossiter
Elementary School, Helena

00:58:28 Break

HEARING ON SB 340

Opening Statement by Sponsor:

01:07:29 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 340, Revise emancipation laws.

Proponents' Testimony:

01:12:19 Sen. Esp, SD 31

Opponents' Testimony:

none

Informational Testimony:

none

Questions from Committee Members and Responses:

01:13:06 Sen. Juneau
01:14:51 Sen. Laslovich
01:19:21 Sen. Perry
01:19:40 Sen. Laslovich
01:20:22 Sen. Esp
01:20:46 Sen. Shockley

Closing by Sponsor:

01:21:28 Sen. Laslovich

EXECUTIVE ACTION ON SB 311

01:24:04 **Motion:** Sen. Shockley moved that **SB 311 DO PASS.**

Discussion:

01:24:13 Sen. Esp

01:25:43 **Vote:** Motion that **SB 311 DO PASS** carried 9-3 by voice vote with Sen. Curtiss, Sen. Esp, and Sen. McGee voting no. Sen. Jent voted by proxy.

01:26:33 Sen. McGee

01:28:13 Sen. Shockley

EXECUTIVE ACTION ON SB 341

01:28:37 **Motion:** Sen. Shockley moved that **SB 341 DO PASS.**

Discussion:

01:29:50 Sen. McGee
01:30:31 Sen. Shockley
01:31:24 Sen. Perry
01:31:35 Sen. Juneau
01:33:47 Sen. Hinkle
01:34:56 Sen. Esp
01:35:06 Sen. Laslovich
01:36:59 Sen. Larsen
01:38:17 Sen. Shockley
01:38:23 Sen. Laslovich

01:39:19 **Vote:** Motion that **SB 341 DO PASS** carried 10-2 by roll call vote with Sen. Juneau and Sen. Murphy voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 340

01:40:30 **Motion:** Sen. Laslovich moved that **SB 340 DO PASS.**

Discussion:

01:40:43 Sen. McGee
01:41:08 Sen. Laslovich
01:42:20 Sen. Perry
01:43:02 Sen. Laslovich
01:43:36 Sen. Shockley
01:44:01 Sen. Juneau
01:44:21 Sen. Laslovich
01:44:35 Sen. Esp
01:46:14 Sen. Juneau
01:47:53 Sen. Laslovich

01:49:25 **Motion:** Sen. Laslovich moved that **SB 340 BE AMENDED with a CONCEPTUAL AMENDMENT** to insert on Page 2, Lines 28, 29 "upon shown to the court, notice service may be waived if in the best interest of the child."

Discussion:

01:50:05 Sen. McGee
01:50:19 Sen. McGee

01:50:29 Sen. Perry
 01:50:52 Valencia Lane, Legislative Services Division
 01:51:44 Sen. Esp
 01:52:42 Sen. Laslovich
 01:52:51 Sen. Juneau
 01:53:07 Sen. Larsen
 01:54:00 Sen. Laslovich
 01:54:23 Sen. Esp

01:55:01 **Vote:** Motion that **SB 340 BE AMENDED** failed 6-6 by roll call vote with Sen. Jent, Sen. Juneau, Sen. Larsen, Sen. Laslovich, Sen. Moss, and Sen. Murphy voting aye. Sen. Jent voted by proxy.

01:56:21 Sen. Laslovich

01:56:47 **Vote:** Motion that **SB 340 DO PASS** carried 9-3 by roll call vote with Sen. Curtiss, Sen. Juneau, and Sen. Moss voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 281

01:58:01 **Motion:** Sen. Shockley moved that **SB 281 DO PASS.**

02:00:25 **Motion:** Sen. Laslovich moved that **SB 281 BE AMENDED.**
EXHIBIT(jus28a02)

Discussion:

02:03:35 Sen. Shockley

02:03:55 **Vote:** Motion that **SB 281 BE AMENDED** carried unanimously by voice vote. Sen. Jent voted by proxy.

02:04:17 **Motion:** Sen. Shockley moved that **SB 281 DO PASS AS AMENDED.**

02:04:23 **Substitute Motion:** Sen. Hinkle moved that **SB 281 BE AMENDED with a CONCEPTUAL AMENDMENT** for Page 3, Line 15, insert "certified" delete "first class."

Discussion:

02:04:52 Sen. Shockley
02:05:21 Sen. Hinkle
02:05:25 Sen Shockley
02:05:40 Sen. Hinkle
02:06:28 Ms. Lane
02:06:50 Sen. Hinkle
02:07:30 Ms. Lane
02:07:34 Sen. McGee
02:08:14 Sen. Hinkle

02:08:40 **Vote:** Motion that **SB 281 BE AMENDED** carried
unanimously by voice vote. Sen. Jent voted by proxy.

02:09:05 **Motion/Vote:** Sen. Shockley moved that **SB 281 DO PASS
AS AMENDED**. Motion carried 10-2 by roll call vote with
Sen. Juneau and Sen. Murphy voting no. Sen. Jent voted
by proxy.

**Exhibit distributed to the Committee Members regarding SB 236,
heard 2/4/09:**

[EXHIBIT\(jus28a03\)](#)

ADJOURNMENT

Adjournment: 11:12 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus28aad.pdf](#))